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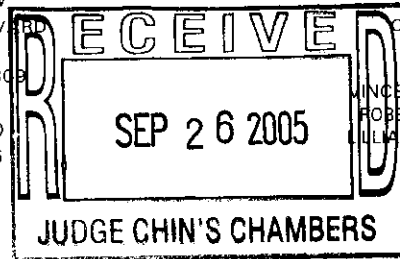
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September 21, 2005

Via Fax and U.S. Regular Mail

The Honorable Denny Chin
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-9998

Re: Renato Guimaraes v. Speiser Krause
Case No.: 05-CV-2210(DC)

Dear Judge Chin:

The undersigned represents Renato Guimaraes in the above-referenced case pending before this Court. The purpose of this letter is to request an informal conference with the Court pursuant to Local Civil Rule 37.2 concerning a discovery dispute between the parties.

The parties have scheduled the depositions of a number of key witnesses during the period from October 6, 2005 through October 13, 2005. The deponents include Plaintiff, Wanerley Minitti who has sued Speiser Krause in a consolidated lawsuit, Plaintiff, Renato Guimaraes, and six (6) attorneys in the Speiser Krause law firm. Counsel for Speiser Krause has notified the undersigned that Speiser Krause intends to have each of its witnesses present in the room when other witnesses are being examined. We have notified opposing counsel that only Speiser Krause's designated representative for this litigation should be permitted to attend the depositions.

Pursuant to Federal Rule of Civil Procedure 26(c)(5), the Court may make any order which justice requires, including that discovery be conducted with no one present except persons designated by the Court. See Calhoun v. Mastic, Inc., 2004 W.L. 1570302 (W.D.N.Y. 2004). We are concerned that if all of the named deponents are permitted to remain in the room while other witnesses are being questioned, the knowledge gained might, consciously or subconsciously, alter their recollection

MEMO ENDORSED

Application GRANTED,
to the following extent.

Any ~~and~~ defendant that is a
corporation or partnership
(or other entity) may designate
one representative, who may sit
in on any and all depositions.
Other employees, officers, principals
of such entities shall
be excluded. Any individual
parties may attend all
depositions.

SO ORDERED.

WDS 9/29/05